PART IV

SECTION—1-B

CENTRAL ACTS AND ORDINANCES

DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS

NOTIFICATION.

No. LAW 88 LCA 68, Bangalore, dated 10/11th September 1969.

The Governor of Mysore is pleased to order that the Insecticides Act, 1968 (46 of 1968), which has been published in the *Gazette of India*, Extraordinary, Part II, Section 1, dated 2nd September 1968, be republished in the ***Mysore Gazette***, for general information.

H. SUBBA RAO,
Under Secretary to Government,
Dept. of Law & Parly. Affairs.

Assented to on 2nd September 1968. Act No. 46 of 1968.

THE INSECTICIDES ACT, 1968

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title, extent and commencement.
2. Application of other laws not barred.
3. Definitions.
4. The Central Insecticides Board.
5. Registration Committee.
6. Other committees.
7. Procedure for Board.
8. Secretary and other officers.
9. Registration of insecticides.
10. Appeal against non-registration or cancellation.
11. Power of revision of Central Government.
12. Licensing officers.
13. Grant of licence.
14. Revocation, suspension and amendment of licences.
15. Appeal against the decision of a licensing officer.
16. Central Insticides Laboratory.
17. Prohibition of import and manufacture of certain insecticides.
18. Prohibition of sale, etc., of certain insecticides.
19. Insecticide Analysts.
20. Insecticide Inspectors.
21. Powers of Insecticide Inspectors.
22. Procedure to be followed by Insecticide Inspectors.
23. Persons bound to disclose place where insecticides are manufactured or kept.
24. Report of Insecticide Analyst.
25. Confiscation.

SECTIONS

26. Notification of poisoning.
27. Prohibition of sale, etc., of insecticides for reasons of public safety.
28. Notification of cancellation of registration, etc.
29. Offences and punishment.
30. Defences which may or may not be allowed in prosecutions under this Act.
31. Cognizance and trial of offences.
32. Magistrate's power to impose enhanced penalties.
33. Offences by companies.
34. Power of Central Government to give directions.
35. Protection of action taken in good faith.
36. Power of Central Government to make rules.
37. Power of the State Government to make rules.
38. Exemption.

THE SCHEDULE

THE INSECTICIDES ACT, 1968

AN

ACT

to regulate the import, manufacture, sale, transport, distribution and use of insecticides with a view to prevent risk to human beings or animals, and for matters connected therewith.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows :—

1 Short title, extent and commencement.—(1) This Act may be called the Insecticides Act, 1968.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different States and for different provisions of this Act.

2. Application of other laws not barred.—The provisions of this Act shall be in addition to and not in derogation of, any other law for the time being in force.

3. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "animals" means animals unuseful to human beings and includes fish and fowl, and such kinds of wild life as the Central Government may, by notification in the Official Gazette, specify, being kinds which, in its opinion, it is desirable to protect or preserve ;

(*b*) "Board" means the Central Insecticides Board constituted under section 4 ;

(*c*) "Central Insecticides Laboratory" means the Central Insecticides Laboratory established, or as the case may be, the institution specified, under section 16 ;

(*d*) "import" means bringing into any place within the territories to which this Act extends from a place outside those territories;

(*e*) "insecticide" means—

(*i*) any substance specified in the Schedule; or

(*ii*) such other substances (including fungicides and weedicides) as the Central Government may, after consultation with the Board, by notification in the Official Gazette, include in the Schedule from time to time; or

(*iii*) any preparation containing any one or more of such substances;

( ) "Insecticide Analyst" means an Insecticide Analyst appointed under section 19;

(*g*) "Insecticide Inspector" means an Insecticide Inspector appointed under section 20;

(*h*) "label" means and written, printed or graphic matter on the immediate package and on every other covering in which the package is placed or packed and includes any written, printed or graphic matter accompanying the insecticide;

"(*i*) licensing officer" means a licensing officer appointed under section 12;

(*j*) 'manufacture", in relation to any insecticide, includes—

(*i*) any process or part of a process for making, altering, finishing, packing, labelling breaking up or otherwise treating or adopting any insecticide with a view to its sale, distrbution or use but does not include the packing or breaking up of any insecticide in the ordinary course of retail business; and

(*ii*) any process by which a preparation containing an insecticide is formulated;

(*k*) "misbranded"—an insecticide shall be deemed to be misbranded—

(*i*) if its label contains any statement, design or graphic reprsentation relating thereto which is false or misleading in any material particular, or if its package is otherwise deceptive in respect of its contents; or

(*ii*) if it is an imitation of, or is sold under the name of, another insecticide; or

(*iii*) if its label does not contain a warning or caution which may be necessary and sufficient, if complied with, to prevent risk to human beings or animals; or

(*iv*) if any word, statement or other information required by or under this Act to appear on the lable is not displayed thereon in such conspicuous manner as the other words, statements, designs or graphic matter have been displyed on ths label and in such terms as to render it likely to be read and understood by any ordinary individual under customary conditions of purchase and use; or

(*v*) if it is not packed or labelled as required by or under this Act; or

(*vi*) if it is not registered in the manner required by or under this Act; or

(*vii*) if the label contains any reference to registration other than the registration number; or

(*viii*) if the insecticide has a toxicity which is higher than the level prescribed or is mixed or packed with any substance so as to alter its nature or qnality or contains any substance which is not included in the registration;

(*l*) "package" means a box, bottle, casket, tin, barrel, case, receptacle sack, bag, wrapper, or other thing in which an insecticide is placed or packed;

(*m*) "premises" means any land, shop, stall or place where any insecticide is sold or manufactured or stored or used, and includes any vehicle carrying insecticides;

(*n*) "prescribed" means prescribed by rules made under this Act;

(*o*) "registered", with its grammatical variations and cognate expressions, means registered under this Act;

(*p*) "sale", with its grammatical variations and cognate expressions, means the sale of any insecticide, whether for cash or on credit and whether by wholesale or retail, and includes an agreement for sale, an offer for sale, the exposing for sale or having in possession for sale of any insecticide and includes also an attempt to sell any such insecticide;

(*q*) "State Government", in relation to a Union territory, means the administrator thereof;

(*r*) "worker" means a person employed under a contract of service or apprenticeship.

4. The Central Insecticides Board.—(1) The Central Government shall, as soon as may be, constitute a Board to be called the Central Insecticides Board to advise the Central Government and State Governments on technical matters arising out of the administration of this Act and to carry out the other functions assigned to the Board by or under this Act.

(2) The matters on which the Board may advise under sub-section (1) shall include matters relating to—

(*a*) the risk to human beings or animals involved in the use of insecticides and the safety measures necessary to prevent such risk;

(*b*) the manufacture, sale, storage, transport and distribution of insecticides with a view to ensure safety to human beings or animals.

(3) The Board shall consist of the following members, namely :—

(*i*) the Director General of Health Services, *ex-officio*, who shall be the Chairman;

(*ii*) the Drugs Controller, India, *Ex-officio* ;

(*iii*) the Plant Protection Adviser to the "Government of India" *Ex-officio* ;

(*iv*) the Director of Storage and Inspection, Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food) *Ex-officio* ;

(*v*) the Chief Adviser of Factories, *Ex-officio* ;

(*vi*) the Director, National Institute of Communicable Diseases, *Ex-officio* ;

(*vii*) the Director General, Indian Council of Agricultural Research, *Ex-ficio* ;

(*viii*) the Director General, Indian Council of Medical Research, *Ex-officio*;

(*ix*) the Director, Zoological Survey of India, *Ex-officio* ;

(*x*) the Director General, Indian Standards Institution, *Ex-officio* ;

(*xi*) the Director General of Shipping or, in his absence, the Deputy Director General of Shipping Ministry of Transport and Shipping, *Ex-officio* ;

(*xii*) the Joint Director, Traffic (General), Ministry of Railways (Railway Board), *Ex-officio* ;

(*xiii*) the Secretary, Central Committee for Food Standards *Ex-officio* ;

(*xiv*) one person to represent the Ministry of Petroleum and Chemicals, to be nominated by the Central Government ;

(*xv*) one pharmacologist to be nominated by the Central Government ;

(*xvi*) one medical toxicologist to be nominated by the Central Government;

(*xvii*) one person who shall be in charge of the department dealing with public health in a State, to be nominated by the Central Government;

(*xviii*) two persons who shall be Directors of Agriculture in States, to be nominated by the Central Government;

(*xix*) four persons, one of whom shall be an expert in industrial health and occupational hazards, to be nominated by the Central Government;

(*xx*) one person to represent the Council of Scientific and Industrial Research, to nominated by the Central Government.

(*4*) The persons nominated under clauses (*xiv*) to (*xx*) inclusive, of sub-section (*3*) shall, unless their seats become vacant earlier by resignation, death or otherwise, hold office for three years from the date of their nomination, but shall be eligible for re-nomination:

Provided that the persons nominated under clauses (xvii) and (*xviii*) shall hold office only for so long as they hold the appointments by virtue of which their nominations were made.

(5) The functions of the Board may be exercised notwithstanding any vacancy therein.

5. Registration Committee.—(*1*) The Central Government shall constitute a Registration Committee consisting of a Chairman, and not more than five persons who shall be members of the Board (including the Drugs Controller, India and the Plant Protection Adviser to the Government of India)—

(*i*) to register insecticides after scrutinising their formulae and verifying claims made by the importer or the manufacture, as the case may be, as regards their efficacy and safety to human beings and animals; and

(*ii*) to perform such other functions as are assigned to it by or under this Act.

(2) Where the Chairman is not a member of the Board, his term of office and other conditions of service shall be such as may be determined by the Central Government.

(3) Subject to the provisions of sub-section (2), a member of the Registration Committee shall hold office for so long as he is a member of the Board.

(4) The Committee may also co-opt such number of experts and for such purpose or period as it may deem fit, but any expert so co-opted shall have no right to vote.

(5) The Registration Committee shall regulate its own procedure and the conduct of business to be transacted by it.

6. Other Committees.—The Board may appoint such committees as it deems fit and may appoint to them persons who are not members of the Board to exercise such powers and perform such duties as may, subject to such conditions, if any, as the Board may impose, be delegated to them by the Board.

7. Procedure for Board.—The Board may, subject to the previous approval of the Central Government, make bye-laws for the propose of regulating its own procedure and the procedure of any committee thereof and the conduct of all business to be transacted by it or such committee.

8. Secretary and other officers.—The Central Government shall—

(*i*) appoint a person to be the Secretary of the Board who shall also function as Secretary to the Registration Committee; and

(*ii*) provide the Board and the Registration Committee with such technical and other staff as the Central Government considers necessary.

9. Registration of insecticides.—(*1*) Any person desiring to import or manufacture any insecticide may apply to the Registration Committee for the registration of such insecticide and there shall there shall be a separate application for each such insecticide:

Provided that any person engaged in the business of import or manufacture of any insecticide immediately before the commencement of this section shall make an application to the Registration Committee within a period of six months from the date of such commencement for the registration of any insecticide which he has been importing or manufacturing before that date.

(*2*) Every application under sub-section (1) shall be made in such from and contain such particulars as may be prescribed.

(*3*) On receipt of any such application for the registration of an insecticide, the Committee may, after such enquiry as it deems fit and after satisfying itself that the insecticide to which the application relates conforms to to the claims made by the importer or by the manufacturer, as the case may be, as regards the efficacy of the insecticide and its safety to human beings and animals, register, on such conditions and on payment of such fee as may be prescribed, the insecticide, allot a registration number thereto and issue a certificate of registration in token thereof within a period of twelve months from the date of receipt of the application:

Provided that the Committee may, if it is unable within the said period to arrive at decision on the basis of the materials placed before it, extend the period by a further period not exceeding six months:

Provided further that if the Committee is of opinion that the precautions claimed by the applicant as being sufficient to ensure safety to human beings of animals are not such as can be easily observed or that notwithstanding the observance of such precations the use of the insecticide involves serious risk to human beings or animals, it may refuse to register the insecticide.

(4) Notwithstanding anything contained in this section, where an insecticide has been registered on the application of any person, any other person desiring to import or manufacture the insecticide or engaged in the business of, import or manufacture thereof shall on application and on payment of prescribed fee be alloted a registration number and granted a certificate of registration in respect thereof on the same conditions on which the insecticide was originally registered.

10. Appeal against non-registration or cancellation.—Any person aggrieved by a decision of the Registration Committee under section 9 may, whithin a period of thirty days from the date on which the decision is communicated to him, appeal in the prescribed manner and on payment of the prescribed fee to the Central Government whose decision thereon shall be final :

Provided that the Central Government may entertain an appeal after the expiry of the said period, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

11. Power of revision of Central Government.—The Central Government may, at any time, call for the record relating to any case in which the Registration Committee has given a decision under section 9 for the purpose of satisfying itself as to the legality or propriety of any such decision and may pass any such order in relation thereto as it thinks fit:

Provided that no such order shall be passed after the expiry of one year from the date of the decision :

Provided further that the Central Government shall not pass any order prejudicial to any person unless that person has had a reasonable opportunity of showing cause against the proposed order.

12 Licensing Officers.—The State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit to be licensing officers for the purposes

of this Act and define the areas in respect of which they shall exercise jurisdiction.

13. **Grant of licence.**—(1) Any person desiring to manufacture or to sell, stock or exhibit for sale or distribute any insecticide, may make an application to the licensing officer for the grant of a licence :

Provided that any person engaged in the business of manufacturing or selling, stocking or exhibiting for sale or distributing any insecticide immediately before the commencement of this section shall make an application to the licensing officer for the grant of a licence within a period of three months from the date of such commencement.

(2) Every application under sub-section (1) shall be made in such form and shall contain such particulars as may be prescribed.

(3) On receipt of any such application for the grant of a licence, the licensing officer may grant a licence in such form, on such conditions and on payment of such fee as may be prescribed.

(4) A licence granted under this section shall be valid for the period specified therein and may be renewed from time to time for such period and on payment of such fee as may be prescribed :

Provided that where a licence has been granted to any person who has made an application under the proviso to sub-section (1), that licence shall be deemed to be cancelled in relation to any insecticide, the application for registration whereof has been refused or the registration whereof has been cancelled, under this Act, with effect from the date on which such refusal or cancellation is notified in the Official Gazette.

14. **Revocation, suspension and amendment of licences.**—(1) If the licensing officer is satisfied, either on a reference made to him in this behalf or otherwise, that—

(*a*) the licence granted under section 13 has been granted because of misrepresentation as to an essential fact ; or

(*b*) the holder of a licence has failed to comply with the conditions subject to which the licence was granted or has contravened any of the provisions of this Act or the rules made thereunder,

then, without prejudice to any other penalty to which the holder of the licence may be liable under this Act, the licensing officer may, after giving the holder of the licence an opportunity of showing cause, revoke or suspend the licence.

(2) Subject to any rules that may be made in this behalf, the licensing officer may also vary or amend a licence granted under section 13.

15. **Appeal against the decision of a licensing officer.**—(1) Any person aggrieved by a decision of a licensing officer under section 13 [except under the proviso to sub-section (4)] or section 14 may, within a period of thirty days from the date on which the decision is communicated to him, appeal to such authority in such manner and on payment of such fee as may be prescribed:

Provided that the appellate authority may entertain an appeal after the expiry of the said period if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellant an opportunity of showing cause, dispose of the appeal ordinarily within a period of six months and the decision of the appellate authority shall be final.

16. **Central Insecticides Laboratory.**—The Central Government may, by notification in the Official Gazette, establish a Central Insecticides Laboratory under the control of a Director to be appointed by the Central Government to carry out the functions entrusted to it by or under this Act:

Provided that if the Central Government so directs by a notification in the Official Gazette, the functions of the

Central Insecticides Laboratory shall, to such extent as may be specified in the notification, be carried out at any such institution as may be specified therein and thereupon the functions of the Director of the Central Insecticides Laboratory shall to the extent so specified be exercised by the head of that institution.

17. Prohibition of import and manufacture of certain insecticides.– (1) No person shall, himself or by any person on his behalf, import or manufacture—

(*a*) any misbranded insecticide;

(*b*) any insecticide the sale, distribution or use of which is for the time being prohibited under section 27;

(c) any insecticide except in accordance with the conditions on which it was registered;

(d) any insecticide in contravention of any other provision of this Act or of any rule made thereunder:

Provided that any person who has applied for registration of an insecticide under the proviso to sub-section (1) of section 9 may continue to import or manufacture any such insecticide and such insecticide shall not be deemed to be a misbranded insecticide within the meaning of sub-clause (vi) or sub-clause (vii) or sub-clause (viii) of clause (k) of section 3, until he has been informed by the Registration Committee of its decision to refuse to register the said insecticide.

(2) No person shall, himself or by any person on his behalf, manufacture any insecticide except under and in accordance with the conditions of a licence issued for such purpose under this Act.

18. Prohibition of sale, etc., of certain insecticides—(1) No person shall himself or by any person on his behalf, sell, stock or exhibit for sale, distribute, transport or cause to be used by any worker—

(a) any insecticide which is not registered under this Act;

(b) any insecticide, the sale, distribution or use of which is for the time being prohibited under section 27;

(c) any insecticide in contravention of any other provision of this Act or of any rule made thereunder.

(2) No person shall, himself or by any person on his behalf, sell, stock or exhibit for sale or distribute any insecticide except under, and in accordance with the conditions of, a licence issued for such purpose under this Act.

Explanation.—For the purposes of this section an insecticide in respect of which any person has applied for a certificate of registration under the proviso to sub-section (1) of section 9 shall be deemed to be registered till the date on which the refusal to register such insecticide is notified in the Official Gazette.

19. Insecticide Analysts.—The Central Government or a State Government may, by notification in the Official Gazette, appoint persons in such number as it thinks fit and possessing such technical and other qualifications as may be prescribed to be Insecticide Analysts for such areas and in respect of such insecticides or class of insecticides as may be specified in the notification:

Provided that no person who has any financial interest in the manufacture, import or sale of any insecticide, shall be so appointed.

20. Insecticide Inspectors.—(1) The Central Government or a State Government may, by notification in the Official Gazette, appoint persons in such number as it thinks fit and possessing such technical and other qualifications as may be prescribed to be Insecticide Inspectors for such areas as may be specified in the notification:

Provided that any person who does not possess the required qualifications may be so appointed only for the purposes of clause (a) and clause (d) of sub-section (1) of section 21:

Provided further that no person who has any financial interest in the manufacture, import or sale of any insecticide shall be so appointed.

(2) Every Insecticide Inspector shall be deemed to be a public servant within the meaning of section 21 (12 of 1860) of the Indian Penal Code and shall be officially subordinate to such authority as the Government appointing him may specify in this behalf.

21. Powers of Insecticide Inspectors.—(1) An Insecticide Inspector shall have power—

(a) to enter and search, at all reasonable times and with such assistance, if any, as he considers necessary any premises in which he has reason to believe that an offence under this Act or the rules made thereunder has been or is being or is about to be committed, or for the purpose of satisfying himself that the provisions of this Act or the rules made thereunder or the conditions of any certificate of registration or licence issued thereunder are being complied with;

(b) to require the production of, and to inspect, examine and make copies of, or take extracts from, registers, records or other documents kept by a manufacturer, distributor, carrier, dealer or any other person in pursuance of the provisions of this Act or the rules made thereunder and seize the same, if he has reason to believe that all or any of them may furnish evidence of the commission of an offence punishable under this Act or the rules made thereunder;

(c) to make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act or the rules made thereunder are being complied with and for that purpose stop any vehicle;

(d) to stop the distribution, sale or use of an insecticide which he has reason to believe is being distributed, sold or used in contravention of the provisions of this Act or the rules made thereunder, for a specified period not exceeding

twenty days, or unless the alleged contravention is such that the defect may be removed by the possessor of the insecticide, seize the stock of such insecticide;

(*e*) to take samples of any insecticide and send such samples for analysis to the Insecticide Analyst for test in the prescribed manner; and

(*f*) to exercise such other powers as may be necessary for carrying out the purposes of this Act or the rules made thereunder.

(2) The provisions of the Code of Criminal Procedure 1898 (5 of 1898), shall, so far as may be, apply to any search or seizure under this Act as they apply to any search or seizure made under the authority of a warrant issued under section 98 of the said Code.

(3) An Insecticide Inspector may exercise the powers of a police officer under section 57 of the Code of Criminal Procedure, 1898 (5 of 1898), for the purpose of ascertaining the true name and residence of the person from whom a sample is taken or an insecticide is seized.

22. Procedure to be followed by Insecticide Inspectors.— (1) Where an Insecticide Inspector seizes any record, register or document under clause (*b*) of sub-section (1) of section 21, he shall, as soon as may be, inform a Magistrate and take his orders as to the custody thereof.

(2) Where an Insecticide Inspector takes any action under clause (*d*) of sub-section (1) of section 21—

(*a*) he shall use all despatch in ascertaining whether or not the insecticide or its sale, distribution or use contravenes any of the provisions of section 18 and if it is ascertained that the insecticide or its sale, distribution or use does not so contravene, forthwith revoke the order passed under the said clause or, as the case may be, take such action as may be necessary for the return of the stock seized;

(*b*) if he seizes the stock of the insecticide he shall, as soon as may be, inform a Magistrate and take his orders as to the custody thereof;

(*c*) without prejudice to the institution of any prosecution, if the alleged contravention be such that the defect may be remedied by the possessor insecticide, he shall, on being satisfied that the defect has been so remedid, forthwith revoke his order and in case where the Insecticide Inspector has seized the stock of insecticide, he shall, as soon as may be, inform a Magistrate and obtain his orders as to the release thereof.

(3) Where an Insecticide Inspector takes any sample of an insecticide, he shall tender the fair price thereof and may require a written acknowledgement therefor.

(4) Where the price tendered under sub-section (3) is refused, or where the Insecticide Inspector seizes the stock of any insecticide under clause (*d*) of sub-section (1) of section 21, he shall tender a receipt therefor in the prescribed form.

(5) Where an Insecticide Inspector takes a sample of an insecticide for the purpose of test or analysis, he shall intimate such purpose in writing in the prescribed form to the person from whom he takes it and, in the presence of such person unless he wilfully absents himself, shall divide the sample into three portions and effectively seal and suitably mark the same and permit such person to add his own seal and mark to all or any of the portions so sealed and marked:

Provided that where the insecticide is made up in containers of small volume, instead of dividing a sample as aforesaid, the Insecticide Inspector may, and if the insecticide be such that it is likely to deteriorate or be otherwise damaged by exposure shall, take three of the said containers after suitably marking the same and, where necessary, sealing them.

(6) The Insecticide Inspector shall restore one portion of a sample so divided or one container, as the case may be,

to the person from whom he takes it and shall retain the remainder and dispose of the same as follows:—

(i) one portion or container, he shall forthwith send to the Insecticide Analyst for test or analysis; and

(ii) the second, he shall produce to the court before which proceedings if any, are instituted in respect of the insecticide.

23 Persons bound to disclose place where insecticides are manufactured or kept.—Every person for the time being in charge of any premises where any insecticide is being manufactured or is kept for sale or distribution shall, on being required by an Insecticide Inspector so to do, be legally bound to disclose to the Insecticide Inspector the place where the insecticide is being manufactured or is kept, as the case may be.

24. Report of Insecticide Analyst.—(1) The Insecticide Analyst to whom a sample of any insecticide has been submitted for test or analysis under sub-section (6) of section 22 shall, within a period of sixty days, deliver to the Insecticide Inspector submitting it a signed report in duplicate in the prescribed form.

(2) The Insecticide Inspector on receipt thereof shall deliver one copy of the report to the person from whom the sample was taken and shall retain the other copy for use in any prosecution in respect of the sample.

(3) Any document purporting to be a report signed by an Insecticide Analyst shall be evidence of the facts stated therein, and such evidence shall be conclusive unless the person from whom the sample was taken has within twenty-eight days of the receipt of a copy of the report notified in writing the Insecticide Inspector or the court before which any proceedings in respect of the sample are pending that he intends to adduce evidence in controversion of the report.

(4) Unless the sample has already been tested or analysed in the Central Insecticides Laboratory, where a

person has under sub-section (3) notified his intention of adducing evidence in controversion of the Insecticide Analyst's report, the court may, of its own motion or in its discretion at the request either of the complainant or of the accused, cause the sample of the insecticide produced before the magistrate under sub-section (6) of section 22 to be sent for test or analysis to the said laboratory, which shall make the test or analysis and report in writing signed by, or under the authority of, the Director of the Central Insecticides Laboratory the result thereof, and such report shall be conclusive evidence of the facts stated therein.

(5) The cost of a test or analysis made by the Central Insecticides Laboratory under sub-section (4) shall be paid by the complainant or the accused, as the court shall direct.

25. Confiscation.—(1) Where any person has been convicted under this Act for contravening any of the provisions of this Act or of the rules made thereunder, the stock of the insecticide in respect of which the contravention has been made shall be liable to confiscation.

(2) Without prejudice to the provisions contained in sub-section (1) where the Court is satisfied on the application of an Insecticide Inspector or otherwise and after such inquiry as may be necessary, that the insecticide is a misbranded insecticide, such insecticide shall be liable to confiscation.

26. Notification of poisoning.—The State Government may, by notification in the Official Gazette, require any person or class of persons specified therein to report all occurrences of poisoning (through the use or handling of any insecticide) coming within his or their cognizance to such officer as may be specified in the said notification.

27. Prohibiton of sale, etc., of insecticides for reasons of public safety.—(1) If, on receipt of a report under section 26 or otherwise, the Central Government or the State Government is of opinion, for reasons to be recorded in

writing, that the use of any insecticide specified in sub-clause (iii) of clause (*e*) of section 3 or any specific batch thereof is likely to involve such risk to human beings or animals as to render it expedient or necessary to take immediate action then that Government may, by notification in the Official Gazette, prohibit the sale, distribution or use of the insecticide or batch, in such area, to such extent and or such period (not exceeding sixty days) as may be specified in the notification pending investigation into the matter :

Provided that where the investigation is not completed within the said period, the Central Government or the State Government, as the case may be, may extend it by such further period or periods not exceeding thirty days in the aggregate as it may specify in a like manner.

(2) If, as a result of its own investgation or on receipt of the report from the State Government, and after consultation with the Registration Committee, the Central Government, is satisfied that the use of the said insecticide or batch is or is not likely to cause any such risk, it may pass such order including an order refusing to register the insecticide or cancelling the certificate of registration.

28. **Notification of cancellation of registration, etc. Offences and punishment.**—A refusal to register any insecticide or a cancellation of the certificate of registration of any insecticide shall be notified in the Official Gazette and in such other manner as may be prescribed.

29. (1) Whoever,—

(*a*) imports, manufactures, sells, stocks or exhibits for sale or distributes any insecticide deemed to be misbranded under sub-clause (*i*) or sub-clause (*iii*) or sub-clause (*viii*) of clause (k) of section 3 ; or

(*b*) imports or manufactures any insecticide without a certificate of registration ; or

(*c*) manufactures, sells, stocks or exhibits for sale or distributes an insecticide without a licence ; or

(*d*) sells or distributes an insecticide, in contravention of section 27; or

(*e*) causes an insecticide, the use of which has been prohibited under section 27, to be used by any worker ; or

(*f*) obstructs an Insecticide Inspector in the exercise of his powers or dicharge of his duties under this Act or the rules made thereunder,

shall be punishable—

(*i*) for the first offence, with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both ;

(*ii*) for the second and a subsequent offence, with imprisonment for a term which may extend to three years, or with fine, or with both.

(2) Whoever uses an insecticide in contravention of any provision of this Act or any rule made thereunder shall be punishable with fine which may extend to five hundred rupees.

(3) Whoever contravenes any of the other provisions of this Act or any rule made thereunder or any condition of a certificate of registration or licence granted thereunder, shall be punishable—

(*i*) for the first offence, with imprisonment for a term which may extend to six months, or with fine, or with both ;

(*ii*) for the second and a subseqent offence, with imprisonment for a term which may extend to one year or with fine, or with both.

(4) If any person convicted of an offence under this Act commits a like offence afterwards it shall be lawful for the court before which the second or subsequent conviction takes place to cause the offender's name and place of residence, the offence and the penalty imposed to be published in such newspapers or in such other manner as the court may direct.

30. Defence which may or may not be allowed in prosecutions under this Act—(1) Save as hereinafter provided in this section, it shall be no defence in a prosecution under this Act to prove merely that the accused was ignorant of the nature of quality of the insecticide in respect of which the offence was committed or of the risk involved in the manufacture, sale or use of such insecticide or the circumstances of its manufacture or import.

(2) For the purposes of section 17, an insecticide shall not be deemed to misbranded only by reason of the fact that—

(*a*) there has been added thereto some innocuous substance or ingredient because the same is required for the manufacture or the preparation of the insecticide as an article of commerce in a state fit for carriage or consumption, and not to increase the bulk, weight or measure of the insecticide or to conceal its inferior quality or other defect ; or

(*b*) in the process of manufacture, preparation or conveyance, some extraneous substance has unavoidably become intermixed with it.

(3) A person not being an importer or a manufacturer of an insecticide or his agent for the distribution thereof, shall not be liable for a contravention of any provision of this Act, if he proves—

(*a*) that he acquired the insecticide from an importer or a duly licensed manufacturer, distributor or dealer thereof;

(*b*) that he did not know and could not, with reasonable diligence, have ascertained that the insecticide in any way contravened any provision of this Act ; and

(*c*) that the insecticide, while in his possession was properly stored and remained in the same state as when he acquired it.

31. Cognizance and trial of offences.—(1) No prosecution for an offence under this Act shall be instituted except by, or with the written consent of, the State Government

or a person authorised in this behalf by the State Government.

(2) No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence under this Act.

32. Magistrate's power to impose enhanced penalties.—Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898 (5 of 1898) it, shall be lawful for any presidency magistrate or any magistrate of the first class to pass any sentence under this Act, in excess of his power under section 32 of the said Code.

33. Offences by companies.—(1) Whenever an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, or was responsible to the company for the conduct of the business of, the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly

Explanation.—For the purpose of this section,—

(*a*) "company" means any body corporate and includes a firm or other association of individuals; and

(*b*) "director", in relation to a firm, means a partner in the firm.

34. Power of Central Government to give directions.—The Central Government may give such directions to any State Government as may appear to the Central Government to be necessary for carrying into execution in the State any of the provisions of this Act or of any rule of order made thereunder.

35. Protection of action taken in good faith.—No prosecution, suit or other proceeding shall lie against the Government, or any officer of the Government or the Board, the Registration Committee or any Committee of the Board, for anything in good faith done or intended to be done under this Act.

36. Power of Central Government to make rules.—(1) The Central Government may, after consulation with the Board and subject to the condition of previous publication, by notification in the Official Gazette, make rules for the purpose of giving effect to the provisions of this Act:

Provided that consulation with the Board may be dispensed with if the Central Government is of opinion that circumstances have arisen which render it necessary to make rules without such consultation, but in such a case the Board shall be consulted within six months of the making of the rules and the Central Government shall take into consideration any suggestions which the Board may make in relation to the amendment of the said rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe-

(*a*) the method of packing and labelling;

(*b*) the manner of registration of an insecticide;

(*c*) the functions of the Board and of the Registration Committee and the travelling and other allowances payable to members of the Board, the Registration Committee and any Committee of the Board;

(*d*) the places at which insecticides may be imported and prohibit their import at any other place;

(*e*) the form of application for registration of an insecticide and the particulars relating thereto;

(*f*) the conditions of registration and the fee payable in respect of registration;

(*g*) the manner of appeal to the Central Government under section 10 and the fee payable therefor;

(*h*) the form of application for the grant of licence and the particulars relating thereto;

(*i*) the form of licence, the conditions attached thereto and the fee payable therefor;

(*j*) the period for which a licence may be renewed and the fee for such renewal;

(*k*) the circumstances in which a licence may be varied or amended under sub-section (2) of section 14;

(*l*) the functions of the Central Insecticides Laboratory;

(*m*) the qualifications, powers and duties of an Insecticide Analyst and an Insecticide Inspector;

(*n*) the manner of testing or analysing the samples of any insecticide and the fee payable therefor;

(*o*) the form in which intimation shall be given by an "Insecticide Inspector" under sub-section (5) of section 22 to a person from whom a sample of an insecticide is taken for test or analysis;

(*p*) the form in which an Insecticide Analyst shall submit a report of his test or analysis to the Insecticide Inspector under sub-section (1) of section 24:

(*q*) the protective clothing and equipment to be used by workers during the manufacture, formulation, transport, distribution and application of insecticides and

other facilities to be provided to keep themselves and things supplied to them free from any contamination ;

(*r*) the use by the workers of any such protective clothing, equipment and other facilities :

(*s*) the precautions to be taken against poisoning through the use or handling of insecticides ;

(*t*) the measures for detecting and investigating cases in which poisoning has occurred ;

(*u*) the facilities to be provided for ensuring first aid treatment :

(*v*) the instruction and training to be provided regarding the use of things supplied to the workers for ensuring their safety ;

(w) the facilities for medical examination of workers engaged in the manufacture or handling of insecticides ;

(*x*) the conditions to be observed in regard to import, manufacture, sale, transport, distribution, storage or use of an insecticide ;

(*y*) the equipment for, and method of, application of, an insecticide and the disposal of surplus material, washings and containers, following application ;

(*z*) the maintenance and inspection of records and returns ;

(*za*) the restrictions on storage of insecticides during transport or otherwise along with articles of food ;

(*zb*) the maximum proportion of any insecticide which may be added to, or contained in, any preparation for domestic use and the restrictions thereon ;

(*zc*) the manner in which refusal to register an insecticide or cancellation of certificate of registration thereof may be notified ;

(*zd*) the officer or authority to whom the Central Government may delegate any of the powers and functions conferred on it by this Act ;

(*x*) any other matter which has to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

37. Power of the State Government to make rules.—(1) The State Government may after consultation with the Board and subject to the condition of previous publication, by notification in the Official Gazette, make rules for the purpose of giving effect to the provisions of this Act and not inconsistent with the rules, if any, made by the Central Government.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the authority to which, the manner in which, and the fee on payment of which, an appeal may be filed under section 15 and the procedure to be followed by the appellate authority in disposing of the appeal;

(*b*) the delegation of any of the powers and functions conferred by this Act on the State Government to any officer or authority specified by that Government.

38. Exemption.—(1) Nothing in this Act shall apply to—

(*a*) the use of any insecticide by any person for his own household purposes or for kitchen garden or in respect of any landun der his cultivation;

(*b*) any substance specified or included in the Schedule or any preparation containing any one or more such substances, if such substance or preparation is intended for purposeso ther than preventing, destroying, repelling or mitigating any insects, rodents, fungi, weeds and other forms of plant or animal life not useful to human beings.

(2) The Central Government may, by notification in the Official Gazette, and subject to such conditions, if any, as it may specify therein, exempt from all or any of the provisions of this Act or the rules made thereunder, any educational, scientific or research organization engaged in carrying out experiments with insecticides.

THE SCHEDULE

[See section 3 (e)]

List of Insecticides

Acrylonitrile

Aldrin (1 : 2 : 3 : 4 : 10 : 10–hexachloro–1 : 4 : 4a : 5 : 8 : 8a-hexahydro-1 : 4 : 5 : 8–dimethanonaphthalene)

Allethrin (allyl homologue of Cinerein I)

Aluminium Phosphide

Amiton

Antu (Alpha-naphthyl thiourea)

Aramite [2(p-tert-butylphenoxy) ispropyl 1–2 chloroethyl sulphite]

Barium Carbonate

Barium Fluoro Silicate

BHC (Benzene Hexachloride) (1, 2, 3, 4, 5, 6–hexachlorohexane)

Bis-dimethylamino Flourophosphine Oxide

Calcium Arsenate

Calcium Cyanide

Captan (N-trichloromethylmercapto-4-cyclohexane), 1, 2-discarboximide

Carbaryl (1–naphthyl-N-methyl carbamate)

Carbon Disulphide

Carbon Tetrachloride

Chlorbenside (p-chlorobenzyl-p-chlorophenyl sulphide)

Chlorobis ethyl amino triazine.

Chlordane (1, 2, 3, 4, 5, 6, 7, 8, 8-Octachlore-2, 3, 3a, 4, 7, 7a-hexahydro-4, 7-methanoindane)

Chlorobenzilate (Ethyl 4 4'-dichlorobenzilate)

Chlorothion (o, o-dimethyl-o-3-chloro-4-nitrophenyl thiono phosphate)

Chloro-I.P.C.

Chloropicrin

Chlorofenson (p-chlorophenyl-p-chlorobenzene sulphonate)

S-(p-chlorophenylthio) methyl-o-o-diethyl phosphorodithioate (Trithion)

CIPC [isopropyl-N (3-chlorophenyl) carbamate]

CMU (Manuron)

Copper Arsenate

Copper Cyanide

Copper naphthenate

Copper Sulphate

Coumachlor [3-(α-acetonyl-4-chlorobenzyl-4-hydroxy coumarin]

Copper Oxychloride

Cuprous Oxide

Dalapon (Sodium 2, 2, dichloropropionate)

DD Mixture

DDD (Dichloro Diphenyl Dichloroethane)

DDT [a mixture of 1, 1, 1-trichloro-2, 2-bis (p-chlorophenyl) ethane and 1, 1, 1-trichloro-2-(o-chloro phenyl)-2 (p-chlorophenyl) ethane]

DDVP (2, 2-dichlorovinyl dimethyl phosphate)

Demeton-S (O, O-diethyl-S [2-ethylthio]-ethyl) phosphorothioate)

Demeton-S (O, O-methyl-S [2 ethylthio-ethyl];" phosphorothioate)

Diazinon (O, O-diethyl-O [2-isopropyl-6-methyl-4-pyrimidinyl] phosphorothioate)

Dibrom (1, 2-dibromo, 2, 2-dichloroethyl dimethyl phosphate)

Dichlorophenoxy acetic acid (2, 4-D)

Dieldrin (1 : 2 : 3 : 4 : 10 : 10- exachloro-6 : 7-epoxy-1, 4 : 4a : 5 : 6 : 7 : 8 : 8a Octahydro-1 : 4 : 5 : 8-dimethano naphthalene)

Dimethoate (O, O-dimethyl-S-(N-methyl carbamoyl methyl) phosphorodithioate)

Dipterex (O, O-dimethyl-2, 2, 2-trichloro hydroxy ethyl phosphonate)

DNOC (Dinitro-ortho-cresol compound) (3 : 5- dinitro-o-cresol)

EDCT mixture (Ethylene Dichloride Carbon Tetrachloride mixture)

Ektin .....

Endrin (1, 2, 3, 4, 10-10-hexachloro-6, 7-epoxy-1, 4, 4a, 5, 6, 7, 8, 8a-Octahydro-1, 4-endo, 5-8-dimethano naphthalene)

E.P.N: O-ethyl-O-p-nitrophenyl benzene thiophosphonate)

Ethyoxy ethyl mercury chloride

Ethyl di-n-propyl thiolcarbamate (Eptam)

Ethyl mercury phosphate

Ethyl mercury chloride

Ethylene dibromide

Ethylene Dichloride

Perthane (Parachlorophenyl benzene sulphonate)

Fenthion (3-methyl-4-methyl thiophenyl phosphorothionate)

Ferbam (Ferric Dimethyl dithio Carbamate)

Gusathion (O, O-dimethyl S (4-oxo-1, 2, 3-benzotriazinyl-3-methyl) phosphorothioate)

Heptachlor 1, 4, 5, 6, 7, 8-heptachloro-4-7-methano-3a, 4, 7, 7a-tetrahydroindene)

HETP (Hexaethyl tetraphosphate)

Hexachlorobenzene

Hydrogen Cyanide

Hydrogen Phosphide

Lead arsenate

Lime Sulphur (Calcium Polysulphide, water-free sulphur, calcium thiosulphate mixture)

Lindane (gamma. B.H.C.)

Malathion (S-(1, 2-Bis (ethoxycarbonyl) ethyl) O, O-dimethyl-phosphoro-dithioate)

Maleic hydrazide (1, 2-dihydropyropyridazine 3, 6-dione)

Maneb Manganese ethylene bisdithiocarbamate)

MCPA-(4-chloro-2 Methyl phenoxy acetic acid)

Mercuric Chloride

Metaldehyde

Metasystox

Methoxychlor (1, 1, 1-trichloro-2, 2-di-p-methoxyphenylethane)

Methoxy ethyl mercury chloride

Methyl bromide

Methyl demeton (Dimeton-methyl and Dimeton-Methyl)

Methyl Mercury Chloride

Methyl Parathion (O, O-dimethy O-p-nitrophenylthiophosphate)

Metox (Chlorsulphicide)

Nabam (Disodium ethylene-1, 2-bisdithiocarbamate)

Nicotine sulphate

Octa methyl pyrophosphoramide

Para-dichloro benzene

Parathion (O, O-diethyl-O-p-nitrophenyl thiophosphate)

Paris Green (Copper Aceto arsenite)

Pentachloronitrobenzene (P.C.N.B)

Pentachlorophenol

Phenyl mercury acetate

Phenyl mercury chloride

Phenyl mercury urea
Phosdrine
Phthalimidomethyl-O-O-dimethyl phosphorodithioate (Imidan)
Piperonyl butoxide (butyl carbityl) (6-propyl piperonyl) ether O
Pival (2-Pivalyl-indane 1-3-dione)
Potassium Cyanide
n-Propyl ethyl-n-butyl thiolcarbamate (Tillam)
Pyrethrins (insectically active principles of *chrysanthemum cinerariaefolium*)
Rotenone
Ryania
Sodium fluoroacetate
Sodium cyanide
Sodium Fluoro Silicate
Sulphur (wettable of colloidal sulphur)
Strychine
Sulphoxide (1, 2-methylene-dioxy-4 (2-octylsulphinyl) propyl benzene)
TCA (trichlor acetic acid sodium and ammonium salts)
Tedion (trichlor diphenyl sulphone)
TEPP (tetraethyl Pyrophosphate)
Tetrachloro-p-benzoquinone
Thanite
Thiram [bis (dimethyl Thiocarbamyl) disulphide]
Tolyl mercury acetate
Trichlorphon
Triorthocresyl Phosphate
Thallium sulphate
Thiometon
Toxaphene (chlorinated camphene containing 67–69% chlorine
Trichlorophenoxy acetic acid (2, 4,5-T)
Warfarin (3-a-acetonyl benzyl-4-hydroxy-coumarin)
Zinc Phosphide
Ziram
Zineb (Zinc Ethylene bis-dithiocarbamate)
Zineb (Zinc dimethyl-dithiocarbamate)
Zulate

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